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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,366	09/30/1999	YUE HENG XU	INTL-0250-US	5274

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EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,366

Applicant(s)

XU, YUE HENG

Examiner

Sy D Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14,31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendments and RCE, both filed 11/15/04.
2. Claims 1-32 are pending in this application. Claims 1 and 10 are independent claims. Claims 15-30 were cancelled, and claims 31-32 were added. This action is made Non-Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. ("Stautner", US 6,172,677) in view of Klosterman (US 5,550,576) and Grooters (US 6,684,399 B1).

As per claim 1, Stautner teaches a method of implementing an electronic programming guide through a program receiver comprising: providing access to a first electronic programming guide with a first set of program selections over an airwave broadcast medium (fig. 5); providing access to a second electronic programming guide with a second set of program selections (fig. 2); and enabling a user selection of viewing programs (col. 4, lines 58-60).

Stautner does not specifically teach that the first and second EPGs to be provided over different media, specifically the second medium to be the Internet. However, providing EPGs

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over different media is known in the art. For instance, Klosterman teaches that EPGs can be “provided in a separate data stream via a different medium” (col. 6, lines 12-14), or “generated within the IRD box, a satellite receiver, the television, the VCR, a central office location, etc.” (col. 6, lines 23-25), and if program schedule information is “received in a format which is ready for immediate display” less memory is required for the program guide system (col. 6, lines 1-11). It would have been obvious to an artisan at the time of the invention to provide the programming guides of Stautner over different media as in Klosterman in order to reduce memory requirements of the program guide system.

While Klosterman teaches that EPGs can be provided in a separate data stream via a different medium, Klosterman does not expressly disclose the medium to be the Internet. However, providing EPGs over the Internet is known in the art. For instance, Grooters teaches an EPG system for receiving program content from one or more sources, including the Internet (col. 4, line 59 – col. 5, line 47). It would have been obvious to an artisan at the time of the invention to combine Grooters’ teaching of using the Internet as a medium for obtaining additional program content with the method of Stautner-Klosterman, because the Internet is a world wide network which could greatly extend the resources for obtaining program contents for EPGs.

As per claim 2, Stautner shows that the second set (fig. 2) to be more extensive than the first set (fig. 5).

As per claim 3, Stautner teaches that the first EPG provides the programming guide and program content (fig. 5).

As per claim 4, Stautner-Klosterman-Grooters shows providing the second EPG (Stautner, fig. 4).

As per claim 5, Stautner-Klosterman-Grooters teaches the step of automatically coupling the user to said Internet upon receiving a request for access from the user (Klosterman, col. 7, lines 46-52).

As per claim 6, Stautner-Klosterman-Grooters teaches internet access (Stautner, col. 3, lines 45-46; Grooters, col. 5, lines 27-29).

As per claim 7, Klosterman teaches user selection of provided program selections (col. 6, lines 34-56).

As per claim 8, Stautner teaches providing the first and second EPGs in response to user request (col. 4, lines 29-34).

As per claim 9, Stautner teaches providing tuning information (col. 4, lines 58-60).

Claims 10-14 are similar in scope to claims 1 and 5-8 respectively, and are therefore rejected under similar rationale.

As per claim 31, Grooters teaches providing access to program guides on two different web sites (fig. 2; col. 5, lines 29-35).

Claim 32 is similar in scope to claim 31, and is therefore rejected under similar rationale.

Inquires

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The

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examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Sy D. Luu', with a long horizontal line extending to the left and a checkmark-like flourish at the end.

SY D. LUU
PRIMARY EXAMINER